

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Coyne's & Company, Inc., a Minnesota
corporation,

Plaintiff,

v.

MEMORANDUM OPINION
AND ORDER
Civil No. 07-4095

Enesco, LLC, an Illinois limited
liability company.

Defendants.

Paul L. Ratelle, Fabyanske, Westra, Hart & Thomson, P.A. for and on behalf
of Plaintiff.

James V. Garvey, Veder, Price, Kaufman & Kammholz, P.C. for and on
behalf of Defendant.

This matter is before the Court upon Plaintiff's request to file a motion for
reconsideration.

The Local Rules provide that a motion to reconsider can only be filed with
the Court's express permission, and then, only "upon a showing of compelling
circumstances." L.R. 7.1(g). The district court's decision on a motion for
reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839
F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct
manifest errors of law or fact or to present newly discovered
evidence. Such motions cannot in any case be employed as a vehicle
to introduce new evidence that could have been adduced during

pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed its October 12, 2007 Order and concludes that it contains no manifest errors of law or fact.

IT IS HEREBY ORDERED that Plaintiff's request to file a motion for reconsideration is DENIED.

Date: October 23, 2007

s / Michael J. Davis
Michael J. Davis
United States District Court